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WHAT'S HAPPENING

Michigan Worker Deaths of 2016

The first and second Michigan worker deaths of 2016 occurred on February 8 and 29, 2016. Employers and employees are urged to use extreme care and safety diligence in all work activities. The information below shares preliminary details about the most recent fatality reported to the Michigan Occupational Safety and Health Administration (MIOsha). The description reflects information provided to MIOsha at the initial report of the incident and are not the result of the official MIOsha investigation.

Preliminary summary of incident #1: On February 8, 2016, two employees were struck by a semi-truck exiting a highway. They were in the process of changing signage at an exit. A 45-year-old laborer was killed and another employee was hospitalized as a result of the incident.

Preliminary summary of incident #2: On February 29, 2016, a 28-year-old tree climber was free climbing at a private residence preparing to trim trees. The tree climber was wearing a 7-year old positioning saddle. The saddle rope broke when he was 40 feet above the ground. He fell and landed on his back on a wood deck. He was given CPR at the scene, then transported to the hospital where he died later that evening.

There were 29 MIOsha-related deaths in 2015. 2009 saw the lowest number with 24. Every life is precious. Our mutual goal must be that every employee goes home at the end of their shift every day!


If you need help or assistance in ensuring your workplace is safe, MIOsha is here with resources to help. The Consultation Education & Training (CET) Division provides workplace safety and health training and consultations to employers and employees throughout Michigan free of charge. Contact CET today at 800-866-4674 or submit a request [online](#).


New Hearing Decision

On January 19, 2016, an Administrative Law Judge (ALJ) issued a hearing decision regarding citations issued to a company. The citations were issued by the Construction Safety and Health Division. The company was cited with:

- Thirteen (13) Serious violations of Part 602, Asbestos Standards for Construction
- Two (2) Serious violations of Part 603, Lead Exposure in Construction
- One (1) Other-Than-Serious violation of Part 1, General Rules
- One (1) Other-Than-Serious violation of Part 430, Hazard Communication
- Two (2) violations of Act 135 of 1986, Asbestos Abatement Contractors Licensing Act

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The proposed penalties totaled \$8,100. The company filed a first and second appeal of the citations and penalties leading to the scheduling of a formal hearing.

On the hearing date, neither the company nor its representative appeared. The ALJ proceeded with the hearing and heard the testimony of the Construction Industrial Hygienist who conducted the inspection and Health Supervisor on behalf of MIOSHA. Following the hearing, the ALJ issued a decision upholding the citations and penalties.

Both MIOSHA and the company have the right to file exceptions to the ALJ's decision with the Board of Health and Safety Compliance and Appeals when the decision is filed with the Board on March 11, 2016.

Survey of Occupational Injuries & Illnesses

Another Survey of Occupational Injury & Illness (SOII) is underway. MIOSHA Information Systems Section (MISS) staff are busy assisting approximately 6,500 Michigan employers in providing their injury and illness information from 2015. The employers were selected from the pool of all Michigan employers through statistical selection and weighting techniques conducted by the U.S. Bureau of Labor Statistics (BLS).

Cases of workplace injuries and illnesses provided by the employers are codified by MISS staff using a standardized methodology and coding system. Once codified, the data is much easier to research and run calculations on. Confidentiality of the individual participants is maintained with strict rules governing the release of information. MISS staff annually take security training and sign confidentiality agreements with BLS.

BLS publishes the aggregate SOII data annually. Agencies such as the National Institute of Occupational Safety & Health (NIOSH) and the Occupational Safety & Health Administration (OSHA) use the SOII data along with researchers at academic institutions. Michigan employers can use the published injury rates to see how their injury rates compare to the rest of their industry. The data is also used by MIOSHA to help determine where agency resources should be spent.

Wage and Hour Starts Targeted Educational Outreach Project

The Wage and Hour Program recently started a Targeted Educational Outreach Project. A [flyer](#) was mailed to more than 200 cosmetology schools, truck driving schools, community colleges and Michigan Works! offices. The flyer offers employers the opportunity to have a Wage and Hour Staff member come to their location and present information about Michigan Payment of Wages and Fringe Benefits, Michigan Minimum Wage and Overtime and Prevailing Wage laws to their students. The Program has already received several requests and a Wage and Hour investigator gave the first targeted outreach presentation at a cosmetology academy.

The academy sent the investigator a very nice note that says "Thank you for taking time out of your day to spend time talking to our future professionals. We greatly appreciate your willingness to assist us in delivering excellent education and salon readiness to our students. We look forward to a continued relationship with future classes."

It looks like this targeted educational outreach project is off to a great start! For more information or to schedule a visit, please contact the Wage and Hour Program at 855-464-9243 or WHINFO@michigan.gov, or visit www.michigan.gov/wagehour.

Confined Spaces in Construction

MIOSHA was recently informed by the Occupational Safety & Health Administration's (OSHA) Director of Cooperative and State Programs that OSHA has further extended the Confined Spaces in Construction temporary enforcement policy through March 8, 2016.

Although the new Confined Spaces in Construction standard went into effect on August 3, 2015, for residential construction work, a temporary enforcement policy was in effect through October 2, 2015. OSHA is now extending this temporary enforcement policy through March 8, 2016. During this period, OSHA will not issue citations to an employer engaged in residential construction work if the employer is making a good faith effort to comply, and as long as the employer is in compliance with the training requirements of either the new standard or the former CFR 1926.21 (b)(6)(i). Employers who do not train their employees consistent with either of these will be cited for violation of 1926.1207. For more information concerning the temporary enforcement policy, please see this [memo](#).

AGENCY INSTRUCTION ISSUED

January 27, 2016 – [Enforcement Policy and Procedures for Evaluating Occupational Exposure to Tuberculosis \(TB\)](#)

MEDIA

February 22, 2016 - [MIOSHA Wage and Hour Program Offers Important Reminders for Tipped Employees](#)

All of the MIOSHA press releases can be viewed on our [website](#).

VARIANCES

Variances from MIOSHA standards must be made available to the public in accordance with Part 12, Variances (R408.22201 to 408.22251). MIOSHA variances are published on the MIOSHA News website: www.michigan.gov/mioshavariances.

QUICK LINKS

[Agency/Division Instructions/Memorandums](#)
[Asbestos Program](#)
[Ask MIOSHA](#)
[CET Request for Consultative Assistance Services](#)
[CET Training Calendar](#)
[Construction Safety & Health Division \(CSHD\)](#)
[DVD/Video Library Service](#)
[General Industry Safety & Health Division \(GISHD\)](#)
[Laboratory & Equipment Services](#)
[Michigan Alliances](#)
[MIOSHA FOIA Request](#)
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